

## NOTICE OF PUBLIC MEETING

TO ADOPT A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
DECLARING ITS INTENTION TO DESIGNATE AN AREA OF BENEFIT IN MIRA MESA  
AND SETTING A TIME AND PLACE TO HOLD A PUBLIC HEARING THEREON.

## NOTICE OF PUBLIC HEARING

TO ADOPT A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
DESIGNATING AN AREA OF BENEFIT IN MIRA MESA.

THIS IS A JOINT NOTICE AS REQUIRED BY GOVERNMENT CODE 54954.6.

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### **NOTICE OF PUBLIC MEETING**

Dear Property Owner:

**NOTICE IS HEREBY GIVEN** that the Council of the City of San Diego, California, has set the hour of 2:00 P.M., MONDAY, September 11, 2006, in Council Chambers, 12th floor, City Administration Building, 202 "C" Street, as the time and place for conducting a public meeting to consider adoption of the Fiscal Year 2007 Mira Mesa Public Facilities Financing Plan and adoption of a Resolution of the Council of the City of San Diego declaring its intention to designate an area of benefit in Mira Mesa and setting the time and place to hold a public hearing thereon.

The following is the Resolution of Intention which the Council of the City of San Diego will consider at the Public Meeting on September 9, 2006:

“RESOLUTION OF THE COUNCIL TO THE CITY OF SAN  
DIEGO DECLARING ITS INTENTION TO DESIGNATE AN  
AREA OF BENEFIT IN MIRA MESA AND SETTING THE  
TIME AND PLACE TO HOLD A PUBLIC HEARING  
THEREON.

WHEREAS, the Council of The City of San Diego (“Council”) desires to initiate proceedings for the designation of a facilities benefit assessment area of benefit in Mira Mesa pursuant to Ordinance No. 0-15318 (New Series) of the Council (“Ordinance”) which area of benefit

will specially benefit from the acquisition, improvement and construction of certain public improvements more particularly described in the document titled, "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2007," [Report]; and

WHEREAS, the City Mayor, with the assistance of the Planning Department made and filed with the City Clerk the Report entitled the "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2007" (the "Report"); and

WHEREAS, the Council has examined and considered the Report, including the community financing plan and capital improvement program with respect to the proposed public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the general description of the public facilities projects; the estimated costs for the construction of said public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic annual increases in the facilities benefit assessments will be computed, assessed and levied pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. The Council hereby declares its intention to designate an area of benefit within Mira Mesa to finance the cost of the public facilities projects pursuant to the Ordinance.
2. The Council is satisfied with the correctness of the Report, including, without limitation, the community finance plan and capital improvement program with respect to said public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the description of the public facilities projects, the estimated costs for the construction of the public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the facilities benefit assessment area of benefit, and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis of the methodology by which automatic increases in the facilities benefit assessments will be computed, assessed and levied pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects. The Council does hereby confirm and approve the Report.
3. The public facilities projects will be undertaken and completed as described in the Report.
4. The community financing plan and capital improvement program with respect to the public facilities projects will be as set forth in the Report.

5. The boundaries of the facilities benefit assessment area of benefit will be as set forth in the Report.
6. The method pursuant to which the cost of the public facilities projects are to be apportioned among the parcels within the facilities benefit assessment area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel will be as set forth in the Report.
7. The Council hereby determines it necessary to provide for automatic increases in the amount of facilities benefit assessments for landowners who have not paid their facilities benefit assessments without the necessity for further proceeding pursuant to Section 61.2212 of the Ordinance in order to reflect increases in the cost of money during the period between the imposition of the facilities benefit assessments, the payment of facilities benefit assessments and completion of the public facilities projects. The Council further determines that the basis and methodology for computing such increases set forth in the Report is reasonable and appropriate in order to provide an equitable distribution of the costs of the public facilities projects to community developers and the ultimate purchasers of developed properties.
8. The amount of contribution or advance which the City or other public entity will make toward the total cost of the public facilities project will be as set forth in the Report.
9. The Council shall hold one public hearing to consider the designation of the facilities benefit assessment area of benefit as proposed in this Resolution at 2:00 P.M. on the 9th day of October, 2006, at the Council Chambers, 202 C Street, San Diego, California.
10. The City Clerk is hereby authorized and directed to give notice of the public hearing described in Section 9. hereof by publishing this Resolution in the "San Diego Daily Transcript" at least fourteen (14) days before the date set forth herein and by mailing copies of this resolution to each owner of property located within the proposed areas of benefit at the addresses shown on the last equalized property tax assessment roll, or as otherwise known to the City Clerk pursuant to Section 61.2205 of the Ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Council of the City of San Diego, California, has set the hour of 2:00 P.M., Monday, October 9, 2006, in the Council Chamber, 12<sup>th</sup> floor, City Administration Building, 202 "C" Street, as the time and place for conducting a public hearing on the formation of a Facilities Benefit Assessment District for the financing of public facilities such as transportation improvements and parks in Mira Mesa.

On August 25, 1980, the City Council by Ordinance No. 0-15318, adopted a procedure for the establishment of a Facilities Benefit Assessment borne by the undeveloped lands that will be benefited. Area of benefit may be designated, and Facilities Benefit Assessments, as defined in Section 61.2202 of the above Ordinance, chargeable to and against such lands, may be imposed. In light of these decisions by Council, assessments to cover these future improvement costs were determined on undeveloped property on the basis of dwelling units if zoned residential and by gross acreage if zoned commercial and/or industrial. Description of facility needs and financing methodology is set forth in the Draft Fiscal Year 2007 Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment – July 2006. As described in this document, proportionate costs are to be made liens on affected properties and will remain until discharged through payments made during its development. The Facilities Benefit Assessment is to be collected at the time of building permit issuance; amounts are based on land use (number of dwelling units or acres developed). No payments are due until the time of property development.

The total anticipated cost for needed facilities in Mira Mesa to be paid by the Facilities Benefit Assessment is estimated to be \$101,635,919.

Based on the total cost of the future facilities needed, FACILITIES BENEFIT ASSESSMENTS (FBA's) are shown on the attached FBA Assessment Roll. No payment is due until building permits are issued.

All persons concerned with this Facilities Financing Plan may indicate their positions by appearing before the Council at the public hearing or by submitting a written communication. All protests must be written and received by the City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101, prior to the close of the hearing; they shall state the nature of the protest and refer to the assessment number. Such correspondence or oral testimony will assist the Council in their decisions regarding the provision of additional public facilities for Mira Mesa.

If within the time when protests may be filed, there is filed with the City Clerk a written protest by the owners of more than one-half of the area of the property proposed to be included within the Area of Benefit, and if sufficient protests are not withdrawn so as to reduce the area represented to less than one-half, then the proposed proceedings shall be abandoned unless the protests are overruled by an affirmative vote of four-fifths of the members of the City Council.

The City Council shall not overrule a majority protest unless it finds that the public health, safety or general welfare require that provision be made for the installation of the proposed Public Facilities Project(s).

If you challenge the Council's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public meeting or hearing described in this notice, or in written correspondence to the City Council at or prior to the public meeting or hearing. All correspondence should be delivered to the City Clerk (at the above address) to be included in the record of the proceedings.

This information will be made available in alternative formats upon request. To request an agenda in an alternative format or to request a sign language or oral interpreter for the meeting, call the City Clerk's office at (610) 433-4000 (voice) or (619) 236-7012 (TT) at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

If you wish any additional information, please contact the Planning Department, Facilities Financing Section, Cheryl Robinson, 1010 Second Avenue, 6th Floor, San Diego, CA 92101-3864, telephone number (619) 533-3679.

Date of Notice: October 19, 2004

ELIZABETH MALAND  
CITY CLERK

Enclosure